

**355.9-316 Continued perfection of security interest following change in governing law.**

- (1) A security interest perfected pursuant to the law of the jurisdiction designated in KRS 355.9-301(1) or 355.9-305(3) remains perfected until the earliest of:
  - (a) The time perfection would have ceased under the law of that jurisdiction;
  - (b) The expiration of four (4) months after a change of the debtor's location to another jurisdiction; or
  - (c) The expiration of one (1) year after a transfer of collateral to a person that thereby becomes a debtor and is located in another jurisdiction.
- (2) If a security interest described in subsection (1) of this section becomes perfected under the law of the other jurisdiction before the earliest time or event described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earliest time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.
- (3) A possessory security interest in collateral, other than goods covered by a certificate of title and as-extracted collateral consisting of goods, remains continuously perfected if:
  - (a) The collateral is located in one jurisdiction and subject to a security interest perfected under the law of that jurisdiction;
  - (b) Thereafter the collateral is brought into another jurisdiction; and
  - (c) Upon entry into the other jurisdiction, the security interest is perfected under the law of the other jurisdiction.
- (4) Except as otherwise provided in subsection (5) of this section, a security interest in goods covered by a certificate of title which is perfected by any method under the law of another jurisdiction when the goods become covered by a certificate of title from this Commonwealth remains perfected until the security interest would have become unperfected under the law of the other jurisdiction had the goods not become so covered.
- (5) A security interest described in subsection (4) of this section becomes unperfected as against a purchaser of the goods for value and is deemed never to have been perfected as against a purchaser of the goods for value if the applicable requirements for perfection under KRS 355.9-311(2) or 355.9-313 are not satisfied before the earlier of:
  - (a) The time the security interest would have become unperfected under the law of the other jurisdiction had the goods not become covered by a certificate of title from this Commonwealth; or
  - (b) The expiration of four (4) months after the goods had become so covered.
- (6) A security interest in deposit accounts, letter-of-credit rights, or investment property which is perfected under the law of the bank's jurisdiction, the issuer's jurisdiction, a nominated person's jurisdiction, the securities intermediary's jurisdiction, or the

commodity intermediary's jurisdiction, as applicable, remains perfected until the earlier of:

- (a) The time the security interest would have become unperfected under the law of that jurisdiction; or
  - (b) The expiration of four (4) months after a change of the applicable jurisdiction to another jurisdiction.
- (7) If a security interest described in subsection (6) of this section becomes perfected under the law of the other jurisdiction before the earlier of the time or the end of the period described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier of that time or the end of that period, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

**Effective:** July 1, 2001

**History:** Repealed and reenacted 2000 Ky. Acts ch. 408, sec. 56, effective July 1, 2001.

-- Created 1958 Ky. Acts ch. 77, sec. 9-316, effective July 1, 1960.